

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /057 W

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R 191118Z AUG 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 695

INFO AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 11162

E.O. 11652: GDS

TAGS: PINT, IN

SUBJECT: INDIAN JUDICIARY; MRS. GANDHI'S COURT CASE

1. INDIAN JUDICIARY: A CONGRESS M.P. WHO IS ALSO A MEMBER OF MRS. GANDHI'S DEFENSE STAFF INFORMS US THAT PLANS ARE BEING FORMULATED TO REDUCE SIGNIFICANTLY THE POWERS OF THE INDIAN JUDICIARY. THE GOI IS PLANNING TO ESTABLISH ADMINISTRATIVE COURTS ON THE FRENCH MODEL TO HANDLE CASES OF ECONOMIC OR ADMINISTRATIVE IMPORT, WHICH TOGETHER ABSORB THE BULK OF THE COURTS' ATTENTION. THE COURTS' POWER OF JUDICIAL REVIEW WILL ALSO BE SUBSTANTIALLY REDUCED.

2. MRS. GANDHI'S COURT CASE: THE M.P. STATED MRS. GANDHI'S COURT CASE IS LIKELY TO LAST ABOUT TWO WEEKS. THE PRIME MINISTER'S DEFENSE WILL FOCUS ON GOVING THAT THE THIRTY-NINTH AMENDMENT DOES NOT ALTER THE "BASIC STRUCTURE" OF THE CONSTITUTION. HE WAS CONFIDENT OF SUCCESS. THEREAFTER, THE GOI WILL MOVE TO REDUCE THE POWER OF THE JUDICIARY.

3. WE THINK THE MP'S COMMENTS ARE A GOOD REFLECTION OF PRESENT THINKING WITHIN CONGRESS POLITICAL CIRCLES AND AMONG THE PMS LAWYERS. HE IS A STRONG SUPPORTER OF MRS. GANDHI, A SENIOR SUPREME COURT ADVOCATE AND A CONSTITUTIONAL LAWYER. MEMCON BEING POUCHED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE11162
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750286-1210
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750840/aaaabips.tel
Line Count: 61
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 18 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 AUG 2003 by ElyME>; APPROVED <25 NOV 2003 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INDIAN JUDICIARY; MRS. GANDHI'S COURT CASE
TAGS: PINT, IN, (GANDHI, INDIRA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006